

REMARKS

The Official Action of May 30, 2007, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the elected invention. Support for this amendment is found in the Specification e.g. page 3, line 10, to page 11, line 27, and the Application as filed. The claims under consideration are Claims 21-35.

Restriction Requirement

Under 35 U.S.C. 121, the Examiner required restriction among:

Group I, Claims 1-15, in part, drawn to a product with the specified formula;

Group II, Claims 1-3, and 5-15, in part, drawn to a product not a member of Group I; and

Group III-IV, Claims 16, 18-20, drawn to a method of using a compound from Group I or II, respectively.

In response to this requirement, the Applicants elect Group I drawn to compounds. The claims reading on this group are new Claims 21-32.

Applicants respectfully request reconsideration and withdrawal of the foregoing requirement for restriction under 37 C.F.R. §1.143. As stated in MPEP §803 there are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required. As the Examiner noted, the designated Groups are patentably distinct as claimed. Applicants respectfully assert, however, that there will not be a serious burden on the Examiner if restriction is not required. The common structural core which is found among the compounds which are prepared and employed in accordance with the present invention provides unity of invention and a common link among the above-noted groups, thus facilitating examination. Because no serious burden for examination is present if restriction is not required, Applicants respectfully request withdrawal of the requirement for restriction.

Although the Applicants maintain that the claims should not be subject to restriction, in the interest of compact prosecution they have amended the claims to be directed to the elected and examined subject matter as requested by the Examiner.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent. As the Examiner noted, Applicants preserve the right to file divisional applications on the remaining subject matter.

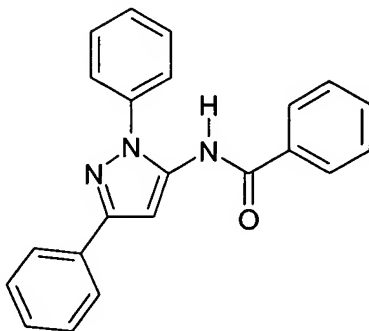
Regarding the method of treatment Claims 34 and 35, such claims have been amended to be dependent from or otherwise include the limitations of the compound and composition claims. Accordingly, Applicants respectfully request that the Examiner apply procedures for the rejoinder of the withdrawn method claims consistent with MPEP 821.04.

Because the non-elected pharmaceutical composition and method of treatment Claims 16 and 18-20 (now Claims 33-35) have been amended consistent with the scope of new Claim 21, Applicants respectfully request that the Examiner rejoin such claims with the compound Claims 21-32.

Under 35 U.S.C. § 121, the Examiner further required election of a single compound.

In response to this requirement, Applicants hereby provisionally elect with traverse the compound that is the first compound in Table 1 on page 30 and the first listed compound in new Claim 32: N-(1,3-diphenyl-1H-pyrazol-5-yl)benzamide

For the convenience of the Examiner, the structure of this compound is:




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Pursuant to the present amendment, the claims reading on this compound are Claims 21-35.

As requested by the Examiner, the Applicants have set forth a group of compounds which are similar within the same inventive concept and reduction to practice. Accordingly, the claims have been amended to compounds of Group I and Applicants have withdrawn without prejudice the claims that are directed to the non-elected invention.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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Date: July 2, 2007